# IN THE HIGH COURT OF BOMBAY AT GOA

SECOND APPEAL NO. 147 OF 2004

SHRI VENANCIO GODINHO AND 5 ORS., ....Appellants

Versus

MR.JACINTO ANTONELLI M.B. GODINHO AND 4 ORS., ....Respondents

Mr. Zeller De Souza, advocate for the appellants.

Coram:- R. M. LODHA, J.

Date:- 24th August, 2005

P.C.

Heard Mr. De Souza, learned counsel for the appellants. I perused the judgment of the First Additional District Judge, South Goa at Margao, delivered on 21st June, 2004 and so also the judgment passed by the learned Civil Judge, Junior Division, Vasco da Gama passed on 31st January, 2000.

The Appeal Court recorded a finding that the plaintiffs failed to prove that their property was land-locked with no access to approach the main road. The learned counsel for the appellants submitted that while arriving at the aforesaid finding the First Appellate Court misread the evidence on record.

The contention of the learned counsel for the appellants can hardly be accepted. In support of their case the plaintiffs examined three witnesses, including one of the plaintiffs. The Appeal Court has considered the evidence of P.W.1, P.W.2, and P.W.3 at quite some length and from that evidence found that all the three witnesses are interested witnesses as they are relatives. The Appeal Court, thus, on the basis of the evidence on record held that it was very difficult to believe the plaintiffs' case that the only access to the plaintiffs' property was through the defendants' property.

I find that the consideration of the evidence by the Appeal Court is proper and does not suffer from any legal infirmity.

No substantial question of law arises.

The Second Appeal is dismissed in limine.

R. M. LODHA, J.